

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOHN WESLEY POTEAT,

Petitioner,

v.

ATTORNEY GENERAL OF THE STATE OF
NEW JERSEY, et al.,

Respondents.

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Civ. No. 16-2351 (RBK)

MEMORANDUM AND ORDER

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On February 1, 2017, this Court dismissed the habeas petition as untimely. (*See* Dkt. Nos. 11 & 12) Petitioner has appealed this Court's decision to the United States Court of Appeals for the Third Circuit. (*See* Dkt. No. 13) Presently pending before this Court is petitioner's application to proceed on appeal *in forma pauperis*. (*See* Dkt. No. 15)

The Third Circuit's local rules require that:

Prisoners seeking to proceed on appeal *in forma pauperis* must file an affidavit of poverty in the form prescribed by the Federal Rules of Appellate Procedure accompanied by a certified statement of the prison account statement(s) (or institutional equivalent) for the 6 month period preceding the filing of the notice of appeal[.]

3d Cir. L. App. R. 24.1(c). In this case, petitioner's application to proceed *in forma pauperis* lacks the required certified prison account statement. Therefore, his application to proceed *in forma pauperis* on appeal will be denied without prejudice.

Accordingly, IT IS this 6th day of March, 2017,

ORDERED that petitioner's application to proceed *in forma pauperis* on appeal (Dkt. No. 15) is denied without prejudice; and it is further

ORDERED that the Clerk shall serve this Order on petitioner by regular U.S. mail.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge